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Statement relative to the
removal of Ebenezer East-
man from the office of Major
of the Tenth regiment N. H.
Militia. Concord, 1858.



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STATEMENT

OF

FACTS,

RELATIVE TO THE

PETITION AND PUBLIC HEARING

BEFORE

THE LEGISLATURE, IN JUNE, 1818,

FOR THE

REMOVAL

OF

EBENEZER EASTMAN

FROM THE

OFFICE OF MAJOR

IN THE

TENTH REGIMENT OF NEW-HAMPSHIRE
MILITIA.

CONCORD:

PRINTED BY GEORGE HOUGH.

JULY---1818.

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STATE

OFFICE OF THE ATTORNEY GENERAL

INVESTIGATION

REPORT OF THE COMMISSIONER

OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION
OF THE SENATE

PASSED MAY 1, 1890

STATEMENT.

THE late proceedings against the undersigned, to procure his removal from his office in the Militia, have been partially known, and have excited much interest. But in the origin and progress of the affair, many wrong impressions have been given, many falsehoods and misrepresentations have gone abroad, and many truths important to be known have been either wholly suppressed, or imperfectly understood. With a view to correct erroneous impressions, to detect falsehood, and to disclose the truth, the undersigned presents himself before the publick. It is with reluctance that he takes this step; and nothing would induce him to do it, but a settled conviction that he owes it to himself, his friends, and the cause of truth. It is not his design to employ invectives against those opposed to him, nor to commend himself; but he does intend to make a plain statement of facts, without fear or favour. And if, in the execution of his design, the character of some individuals shall seem to be treated with severity, he trusts, that, in the view of every candid man, his complete justification will be found in the circumstances of the case.

But before entering upon the consideration of the charges preferred to the Legislature in June 1817, and on which their late proceedings have been founded, it may be expedient to advert to some facts of anterior date.

For several years past, the undersigned has had the misfortune to perceive, that three or four of his townsmen, of considerable rank and influence, have been either avowedly or secretly hostile to him, and determined on his removal from office. In December, 1816, a petition for this purpose was presented to the Legislature then in session, signed by twenty-three commissioned officers belonging to the reg-

iment, and one hundred and thirty-eight inhabitants in the towns of Gilmanton, Barnstead, and Gilford. At the same session a remonstrance against that petition was presented, signed by *all the remaining officers* in the regiment; also a paper signed by *thirteen* of the twenty-three officers who had signed the petition, disavowing the petition.*

These papers were all laid before the Legislature, where it was decided that the petitioners against the undersigned have leave to withdraw their petition. The undersigned, however, found means to obtain from the clerk of the House of Representatives, a copy of said petition against him, without the knowledge of the petitioners, who withdrew their petition, and doubtless destroyed it, thinking to leave no remains of it, as was afterwards evinced by the testimony of Judge Badger.

In June, 1817, was presented to the General Court the petition containing the charges which have recently been investigated at a publick hearing. This petition was signed by ten persons only, officers of the regiment—the same number that remained of the twenty-three, on the former petition after the thirteen had withdrawn. Of these ten, six have since given their depositions, in which one of them says that he never heard nor read the petition; another, that it was read to him differently from what it really was; and all say that they did not know any of the charges against me to be true; but were overcome by the solicitations of those who presented it.† One other of the ten signers has since absconded. So that this petition rests on the shoulders of *three* only—and *one* of these *three* has confessed that he “had nothing to do about carrying on the prosecution”—“was at no expense”—and that “they had engaged to indemnify him in case any difficulty should arise.” And I may venture to state, with full confidence, to those acquainted with the facts, that *one* of the *two* re-

* See Appendix—No. (1.)

† See Appendix—No. (2.)

maining petitioners has done nothing but lend his name, and that, because he was taught so to do. One petitioner then remains heartily engaged in the cause, and *only one*—and *that one* is *Capt. Cogswell*. The motives of this petitioner may, perhaps, be discovered in the depositions already referred to, and in that of Major Bickford.* Other persons, however, besides Capt. Cogswell, have been engaged, as will appear in the further progress of this trial.

The charges, on which the publick hearing was had, are the following:—

“ 1st. That the said Ebenezer Eastman, while he held the commission of a Captain in said regiment, and during the years 1810, 1811, and 1812, at sundry times, did carry on the smuggling trade in articles forbidden by law with the subjects of his Britannick Majesty in the Province of Lower Canada, contrary to the laws of the United States, which as an officer he was sworn to support, and the peace and dignity of the same.

“ 2d. That during the years 1812, 1813, and 1814, while the said Eastman was a Major in said regiment and commandant of the same, and while the United States were at war with the kingdom of Great-Britain and the subjects and dependencies of the same, he the said Eastman, left his said regiment and went into the Province of Canada, and to Castine, while in the possession of the enemy, at sundry times, for the purpose of carrying on an illicit and forbidden trade with our declared enemies in said time of war; thereby leaving his said regiment, of which he then was senior and commanding officer, without a commander, who, as commanding and senior officer of the same, could receive and execute such orders from the general officer, who might from time to time issue the same for the publick safety—in open and gross violation of his official duty in time of war, in contempt and disregard of his allegiance to this government,

* See Appendix—No. (2.)

of his oath of office—contrary to the laws of which he was sworn and bound to take notice, and against the publick peace and safety.

“3d. That the said Eastman, during the period last aforesaid, and while he was under an indictment, did arm against, resist, oppose, and obstruct an officer of the revenue in due execution of his office, and thereby did prevent the said officer from arresting him the said Eastman by virtue of a warrant from the government, and of taking and securing certain smuggled goods forfeited to the government, which then were in possession of the said Eastman, which is against his duty as an officer, and contrary to the laws of the United States, and the peace and dignity of the same.

“4th. That the said Ebenezer Eastman, on the 19th day of December last past, without any just or probable cause, but from motives of personal revenge, did falsely, wickedly, and maliciously file charges against Captain Rufus Parish, who was not then in commission in said regiment, and thereby caused the said Parish to be arrested and tried before a court martial constituted and appointed for that purpose; which said court took cognizance of the same, and after an hearing thereof, did acquit the said Parish, without censure, by means of which said malicious and unofficerlike conduct, to gratify an unwarrantable and personal revenge, the said Parish was put to great expense in defending himself against said prosecution, and there has been drawn from the treasury of this State the sum of 154 dollars to defray the expense of said malicious prosecution.

“5th. That the said Eastman, by reason of the aforesaid unofficer and ungentlemanlike conduct, and by reason of other improper and illegal conduct, has deprived himself of that respect and confidence which an officer can never be useful without possessing, and ought not to be retained in military office without meriting.”

[Signed by ten officers—two Captains, six Lieutenants, and two Ensigns.]

To the first charge I reply, that from May 1, 1810, to March 2, 1811, there existed neither a nonintercourse nor nonimportation law; so that no objection can be formed against trading at Canada during that period. Before and after that period, and previous to June 1812, it did appear in evidence that I went to Montreal; but not that I ever carried any thing in violation of any law, or brought out a single article of goods of any kind. It also appeared, and I readily admit the fact, that I went to Montreal on horseback, in June 1812; but not that I either carried or brought any loading whatever. This charge, therefore, so far as to any illegal traffic, is altogether unsupported by evidence.

I am also charged with violating my oath of office! The framers of this charge may take to themselves, either the imputation of ignorance, which ill becomes the dignity of their offices and professions, or that of base misrepresentation; for the oath of an officer in the militia has no reference to the laws of the United States. The insinuation, however, is worthy of those who made it.

The second charge is similar to the first; and so much of it as relates to the time embraced in the first, is already answered. Upon the subject of trading at Canada, after my journey there on horseback in June 1812, as before mentioned, and during the war, the only evidence, or rather I will say the only *shadow* of evidence, that was offered to the Legislature, was a paper purporting to be the deposition of John Prilay, who had lived with me several years. In this *paper*—(for I cannot call it a *deposition*, unless, indeed, it be the deposition of Lyman B. Walker, Esq. counsel for the petitioners, and even HE, I believe, would not have sworn to it)—In this *paper*, I say, it is stated that this Prilay went with me to Canada in the winter of eighteen hundred and thirteen—that we then carried and brought away much goods—that we “escaped soldiers, custom-house officers, and government men”—and that “we found no difficulty in the Province, notwithstanding the war, and the hosts of Brit-

ish troops that filled the country," &c. As this paper was, to the petitioners, the very ground of reliance, I will give a concise history of it. In October last, Lyman B. Walker, Esq. summoned said Prilay (then living in Littleton, in the county of Grafton) to his office in Gilford, for the purpose of taking his deposition. The day before that mentioned in the summons, Mr. Prilay arrived at Gilford—Mr. Walker met him, took him into his office, wrote the *paper* above mentioned, and requested Prilay to sign it. This, Prilay refused to do, because the statement was not true—a very good reason, one would think, for his refusing to sign it; but Mr. Walker, with a faithfulness and zeal truly worthy of his cause, could not admit the objection. He had volunteered in the cause—found it without support—had now written what he wanted—and Mr. Prilay must subscribe and swear to it. He therefore detained him till about midnight, and by profane and scurrilous abuse and threats, at length obtained his purpose.* At the trial, Walker admitted that he wrote the statement for Prilay—and Walker's own brother swore to the threats and abuse.

The abovementioned *paper* is principally occupied in describing the supposed journey to Canada in eighteen hundred and *thirteen*—a journey which never took place, as appears by Mr. Prilay's *own* deposition, by other witnesses, and by the admission of the opposite party on the trial.—This journey, Mr. Counsellor Walker had thought it all-important to establish, otherwise the charge of trading at Canada during the war must wholly fail—*must appear* to be *false* and *malicious*—and the Counsellor himself had framed the petition and the charges. Yet this journey—this solitary hope to which inconsiderate malice had attached itself, is become forlorn, and given up! But mark the excuse, "*It was a mistake for 1812!*" Whose mistake? Prilay's? No! He not only did not make it, but refused to confirm

* See Appendix—No. (4.)

it by his signature, until compelled.—Was it the Counsellor's then? Yes, poor man! it was his. But he has an *excuse*. "It was a *mistake—a mere slip of the pen!*" This is a *pitiful evasion—a mere trick!* for the whole story was made out in nice conformity with the assumed time. If this be wrong, the whole story is false. And this is admitted to be wrong. But admit the *excuse*, and see the consequence; say the journey was in the winter of 1812, six months before the declaration of war. And how then appear the Counsellor's declarations, that "we escaped soldiers, custom-house-officers, and government men"—and that "we found no difficulty in the Province, notwithstanding the *war*, and the *hosts of British troops* that filled the country." In this position we leave the Counsellor for the present.

The proof of my going to Castine, while possessed by the enemy, was the following declaration in the paper above described. "I am also *knowing*, that in the fall of the year 1814, the said Eastman fitted out a waggon with two horses, and carried specie, *as I understood*, to Castine. He was absent about three weeks, and returned with glass ware, &c. which I *understood* him that he purchased at Castine"—And also the deposition of Stephen L. Greely, in which he states, very truly, that he and myself "went to Castine in 1814, purchased some goods, (for which we paid in specie) shipped them in a neutral vessel, entered them at the American custom-house in Hampden, paid the duties required by the laws of the United States, brought them home, and sold them," as we had a right to do. As to the charge of "leaving the regiment without a commander," it appears, that in the years 1812, 1813, and 1814, I was absent, on journies twice or three times, for the space of two or three weeks each time. If this is a crime, then am I guilty indeed—much more so than my accusers have proved me; for I went *several* times to Boston during those three years, and *left my regiment "without a commander!"* I can hardly be serious upon a charge so ludicrous.

The third charge is, for resisting *an officer of the revenue*, while under an indictment; and “*of taking and securing certain smuggled goods,*” &c. It is not easy to understand what is meant by this charge. This *officer of the revenue*, as he is called, it appeared on the trial, was a deputy of District-Marshal M’Clary. He stated, that “he went to my house with a warrant founded on an indictment in the District Court—that I ordered him to go out, and he complied—and that he did not tell me *he had a precept against me*, nor *that he was an officer.*” This statement is substantially correct. I did find a man who had lurked about and crept into my house, and I drove him out. I did neither resist nor touch him; nor did I know him; and he retreated without giving me any information of himself, or of his authority. So far was I from offering resistance to any officer, that a short time afterwards, when the Marshal came to the public house in my neighbourhood, and sent me word, I went to see him, and entered into recognizance as he required. At the next session of the Court, I appeared and answered to the charge then against me, and on trial was acquitted by the jury, nothing being found against me, as appears by the record of said Court. This was the “indictment” alluded to. As to “smuggled goods in my possession,” not a tittle of evidence was offered, or attempted to be offered, to prove this part of the charge.—Thus stands the third charge. Of the motives of its framers and supporters, and of their manfulness, I leave the publick to judge.

The fourth charge is, that “without any just or probable cause, I wickedly and maliciously filed charges against Captain Rufus Parish, *who was not then in commission in said regiment*, and thereby caused him to be arrested and tried before a Court Martial,” &c.

For an answer to this charge, I will refer the publick to some extracts from the proceedings of said Court Martial.

EXTRACT.

A General Court Martial, consisting of seven members, will convene at French's inn, in Gilmanton, on Thursday the second day of January next, at ten of the clock in the forenoon, for the trial of Capt. Rufus Parish, of the artillery annexed to the tenth regiment of Militia, in this State; on charges exhibited against him the said Parish, by Major Ebenezer Eastman, commandant of said regiment.

The members of the Court will appear in uniform, with side arms.

Lt. Col. Levi Jones is appointed *President*.

Major P. P. Furber,	} <i>Members.</i>
Capt. Stephen Davis,	
Capt. Jos. Ham,	
Capt. Isaac Jenness,	
Lieut. Richard Furber,	
Lieut. Thos. Plumer,	

Adjutant Nehemiah Eastman, *Judge Advocate*.

Capt. Jacob Davis,	} <i>Supernumeraries.</i>
Lieut. John Plumer,	

Rich^d. Furber,	} <i>Brigade General 2d Brigade N. H. M.</i>

Dec. 23, 1816.

Agreeably to the above order, the Court convenes at the above mentioned place and time of day, this second day of January, A. D. 1817.

PRESENT--

Lt. Col. Levi Jones, *President*.

Major P. P. Furber.	Capt. Jacob Davis.
Capt. Jos. Ham.	Capt. Isaac Jenness.
Lieut. Thos. Plumer.	Lieut. Richard Furber.

The Judge Advocate being absent, the Court appoint Capt. Isaac Jenness to officiate in that capacity until the Judge Advocate appointed, appears.

Adjourned, to meet again at this place to-morrow, at ten o'clock, A. M.

ISAAC JENNESS, Judge Advocate.

JANUARY 3.

Court met according to adjournment.

All the members present as yesterday.

Adjutant Nehemiah Eastman, the Judge Advocate appointed, appears and commences officiating as such.

An intimation being made, that the prisoner would not, from some cause, appear in Court, the Court is organized by the usual oaths being administered by the Judge Advocate to all the members, and by the President to the Judge Advocate.

An agent and friend to the prisoner now appears in Court, and informs verbally, that the prisoner cannot appear, in consequence of bodily indisposition, and at the same time presents to the Court a paper purporting to be a commission signed by his late Excellency John T. Gilman, bearing date 7th February, A. D. 1814, appointing said Parish to his command as Captain as aforesaid; on the margin of which paper, thus purporting to be a commission as aforesaid, was a writing, of which the following is a true copy, to wit:

*“New-Hampshire Executive Department,
Concord, Dec. 16, 1816.*

The said Rufus Parish having requested liberty to resign this commission, his resignation is accepted.

WILLIAM PLUMER, Captain General.”

Accompanying which letter, commission, &c. is also a letter, of which the following is a true copy, to wit:

“Gilmanton, Jan. 3, 1817.

To the Honourable President of a Court Martial, now convened at Samuel French's inn, in said town, for the consideration of the charges herewith exhibited against the subscriber.—To which charges I plead not guilty, and present you with my commission for my defence, which commission you will have the goodness to return, when you have sufficiently examined it.

From your humble servant, RUFUS PARISH.”

And with this letter is presented also the copy of the charges and specifications of charges that has been served on him the said Parish previously in this case.

The prosecutor now moves for liberty to introduce evidence to shew the Court, that the aforesaid acceptance of the said resignation of said Parish, was by accident, or by some other means, antedated.

Samuel Shepard, Esq. sworn for the prosecution.

Question by prosecutor. Have you any knowledge concerning Capt. Parish's commission, from the Secretary's office, or the resignation of the same?

Answer. The Hon. Mr. Colby informed me that there had been nothing done about such a resignation, on Monday following the 20th December, 1816.

David Burnham sworn for the prosecution.

Ques. by pro. Have you not seen Capt. Parish's commission in his possession, without a resignation thereon, since December 16, 1816?

Ans. No.

Ques. by the same. Did you carry Capt. Parish's commission to Concord for him, after December 16, 1816?

Ans. On the 19th day of December, 1816, I went and carried a letter for him; but do not know that there was any thing in it, nor do I believe there was.

Ques. by the same. Have you, since Capt. Parish was arrested, heard him say any thing about his commission?

Ans. Yes; I heard him say that he told the officer arresting him, that he ought to have demanded his commission; for as the business was then left, he had it in his power to resign.

Josiah Parsons sworn for the prosecution.

Ques. by pro. What have you heard Capt. Parish say about his resignation?

Ans. I heard him say, after he was arrested, that he had resigned.

Ques. by the same. Do you know for what purpose David Burnham went to Concord about the 20th Dec. 1816?

Ans. I do not.

Dr. William Prescott sworn for the prosecution.

Ques. by pro. What have you heard Capt. Parish say about his resignation?

Ans. I heard him say that he had sent his commission to Concord by Mr. Ladd.

Ques. by the same. When did you see Mr. Ladd at Capt. Parish's?

Ans. I saw Mr. Ladd in this neighbourhood, but not at Capt. Parish's, on the 20th Dec. 1816.

Dudley Ladd, Esq. sworn for the prosecution.

Ques. by pro. Did you carry Capt. Parish's commission to Concord for him, and if so, for what purpose?

Ans. I did carry that commission to Concord, with orders to keep it till called for—which commission I afterwards delivered to Dr. Prescott, *I think*.

Dr. William Prescott called again.

Ques. by pro. At what time were you at Concord?

Ans. In December.

Ques. by the same. Did you see Dudley Ladd, Esq. at Concord, after the 20th December, 1816, the time you saw him at Gilmanton-Corner?

Ans. Yes.

Ques. by the same. Did you take Capt. Parish's commission from Mr. Ladd at Concord?

Ans. Yes.

Ques. by the same. On what day of the week was this?

Ans. On Tuesday or Wednesday.

Ques. by the same. Had that commission, at that time, the evidence on it of Capt Parish's resignation?

Ans. No.

Ques. by the same. Do you know whether or not there had been a decision at that time, on Capt Parish's remonstrance against me, in the House of Representatives?

Ans. It was generally so reported.

Ques. by the same. What did you do with Capt. Parish's commission after you obtained it from Mr. Ladd?

Ans. I handed it to Governour Plumer, and by the verbal request of Capt. Parish, got it resigned.

Ques. by the Court. Did Capt. Parish desire you to request Governour Plumer to antedate his resignation?

Ans. He requested me to state to Governour Plumer, that the commission had been in Concord a number of days, and that he wished the resignation dated back as far, if that would be legal.

Mr. Ladd called again.

Ques. by pro. Did you give Dr. Prescott Capt. Parish's commission, after a decision had been had in the House of Representatives, on Parish's remonstrance against me?

Ans. I do not recollect.

Daniel Gale, 3d, sworn for the prosecution.

Ques. by pro. When did you see Dr. Prescott at Concord?

Ans. I think it was after a decision was had on Capt. Parish's remonstrance against you, which I think was after Dec. 20, 1816.

On summing up the foregoing evidence, the question is put, Is Capt. Parish amenable to the powers and jurisdiction of this Court? And is decided in the affirmative.

{ *Secretary's Office.*
 { *Concord, June, 1818.*

The foregoing is a true extract from a record of the proceedings of a Court Martial, returned to this office.

RICHARD BARTLETT, *Dep. Sec.*

By this it appears, that said Parish was then in commission. The Court acquitted him, it is true; but I leave it with the publick to judge, whether the trick to antedate his resignation be evidence of his consciousness of innocence or guilt. If any thing more need be added, it will be found in the order of the Brigadier General, disapproving of the acquittal of Captain Parish by the Court Martial.*

The fifth and last charge is, that I have lost the "respect and confidence" necessary for an officer in the militia.

In support of this pretty general charge, the testimony of Judge Badger alone was relied upon. The honourable witness, after answering a question or two, begged leave to relate the whole matter. He said that I had become unpopular in the regiment—that a general dissatisfaction had for some time existed—and on account of said dissatisfaction, and in proof thereof, said the honourable witness, "a petition for the removal of Major Eastman from his command in the regiment was presented to the Legislature in 1816, signed by *four or five hundred persons*, consisting of officers, Justices of the peace, selectmen, and the principal citizens within said regiment." Here was no supposition nor qualifying expression; it was *explicitly* and *positively* *four or five hundred* signers, of whom were *Justices of the peace*, &c.—This statement, if true, was an imposing proof of the charge: and who could question the truth of it? The Judge had been well acquainted with that petition, for he was its patron; and he "distinctly remembered" the circumstances

* See Appendix—No. (5.)

of the case, *because the dissatisfaction was so general*; therefore he testified positively and roundly. But where was that petition? It was lost! Probably not a vestige of it was supposed to be left, except in the Judge's memory. In *this view*, the charge was supported. If so *many* and *respectable* men had petitioned against me, I stood upon low ground indeed. But there is *another view* to be taken of this subject. At the important moment when the honourable witness had finished his round statement, and had seated himself near the parties, evidently pleased that he had given such important support to the cause, knowing, without doubt, that the petition had been withdrawn from the files soon after the House had decided against it, and being fully persuaded that his statement could not be contradicted by any facts in existence—At that important moment, I say, *a copy of that petition was introduced to the Convention by my counsel!* I am no poet, and shall not attempt to describe the change of countenance that then took place. This copy, as I have before stated, I had procured from the Clerk of the House, without the knowledge of the petitioners. And how did the Judge's account correspond with the *copy*?—The copy contained the names of—not *four or five hundred*—but simply *one hundred and sixty-one!* and these from Gilford, Gilmanton, and Barnstead!—How many *officers* were there? *Twenty-three—thirteen* of whom, in a counter petition, disavowed the deed.* How many *Justices of the peace*? *One!—one*, out of the *twenty-nine* then in commission in those three towns†—and that one in Barnstead. How many *selectmen*? *Two*, out of the *nine* belonging to those towns— and those two from Gilford!‡

If the above statement be not true, it is most easy to disprove it; for it is drawn from the evidence given before hundreds at the publick hearing, and from a copy attested by the Clerk of the House of Representatives, Dec. 23, 1816.

* See App.—No.(1.)

† See Register for 1816.

‡ See App.—No.(6)

which shall be published if needful. I will make no comment upon the testimony of the honourable witness. I have stated the facts, and these are fully sufficient for my purpose.

No other evidence was offered in support of the fifth charge. And what is the sum of that offered? It is, that in 1816, out of three towns, whose inhabitants, at the last census, were 5815, *one hundred and sixty-one* had signed a petition to the Legislature. Of the industry of my enemies, who procured those names—of their motives, their perseverance, and the means used in accomplishing their object, I leave the publick to judge from the evidence before them.

As to my standing with the regiment, I have nothing to say—the facts in the case shall decide—I will recapitulate them.

The officers usually in commission in the 10th regiment, are about *forty-five*. The petition against me in 1816, was signed by *twenty-three*. A remonstrance at that time, against that petition, was signed by *twenty-two*—and the counter petition, before mentioned, by *thirteen*—leaving *ten* in favour of the petition for my removal, and *thirty-five* against it.

The petition in 1817, upon which the publick hearing has been had, was signed by *ten*—all officers—the same number that remained against me in 1816. Of these *ten*, *six* have said, on oath, that they “did not know any of the charges against me to be true”—another has absconded—and one other confessed he “had nothing to do about carrying on the prosecution,” and “had received a promise [*or bond*] of indemnity.” *Two* remain, who have made no concessions.

On the other hand, a petition, signed by *thirty* officers belonging to the regiment, (of whom *ten* were Captains) was presented to the Governour and Council in September 1817, requesting my promotion;* and afterwards, five others.

* See Appendix—No. (7.)

who had since been commissioned to fill up vacancies, say, in a petition to the Legislature, they "perfectly agree with the officers who signed that petition" to the Governour and Council.—And here I will just observe, that neither of the petitions, nor the remonstrance, in my favour, was ever presented to the privates—nor to *Justices* of the peace—nor *selectmen*—nor other *principal citizens*. They were presented to officers only.—Upon this simple statement of facts, and the subjoined depositions, I am willing that this fifth charge should be decided.*

It remains that I give a concise account of the petition of 1817—its origin—its supporters, &c.

In June, 1817, upon the Sabbath-day, Capt. Parish, Lyman B. Walker, Esq. and Capt. Cogswell, met at Judge Badger's, in Gilmanton; or to use the language of the Judge at the publick hearing, "Capt. Parish tarried at my house Saturday night; the next day, Mr. Walker *happened* in, and we sent for Capt. Cogswell, and he came." The distance at which these men live from the Judge's where they *happened* to meet, is as follows—Parish, 2 miles—Cogswell, 7 miles—and Walker, 7 miles—all in different directions.—But these men *happened* to meet there upon the Sabbath. During that day, (or as the Judge swore—"in the evening," he "believed as late as 12 o'clock or later")—that petition, and the five charges which we have examined, were projected and matured; and on Monday morning following, by 4 o'clock, Capt. Cogswell and the petition had travelled to Barnstead—10 miles—in pursuit of subscribers. There the Captain commenced the enterprize, by exhibiting—not the petition only—but likewise a paper, which was called a *bond of indemnity*, signed by *Lyman B. Walker, Esq.* and also another paper, which the Captain *HAPPENED* to have with him, on which was written, a "petition," or "recommendation," to His Excellency, for the promotion of—

* See Appendix—No. (3.)

whom? Captain Cogswell! This was by way of anticipation. The Captain simply wished, (in case of my removal) to become Lieutenant-Colonel—or Colonel—if Major Bickford would be obliging enough to resign.*—Thus the Captain conducted the enterprize with unabated zeal, having his eye steadily fixed on his own promotion.

At length the “petition”—the Sabbath-day’s production at Judge Badger’s—comes in turn, into the hands of Lyman B. Walker, Esq., one of its legitimate authors and warmest supporters. This *unassuming* counsellor, and Capt. Parish, and one *Horatio G. Prescott*, attack Capt. David Norris and Ensign Joseph L. Bartlett, at the “tavern,” and urge them to sign the petition. They declined. The counsellor “*pretended* to read it,” and by “*entreaties*” their signatures were procured.†

Thus, by the exertions of Judge Badger, Captains Parish and Cogswell, Lyman B. Walker, Esq. and Horatio G. Prescott, *ten* of the *forty-five* officers in the regiment are induced to subscribe the petition. Of these petitioners, enough has been said. And need I say more of the abettors?—I must remind the Judge of his *story* of the *four or five hundred signers*, *Justices*, &c. Was that a *mistake of the memory*? The assertion was positive—no reservation—no possibility of inaccuracy was admitted.—To his Honour and the publick, I refer the matter.‡

* See Appendix—No. (3.)

† See Bartlett’s deposition—Appendix—No. (2.)

‡ I have lately understood, that the Judge feels troubled about the “statement” he made, since it is so widely contradicted by the copy produced; and *pretends* to say, or seems *almost* willing to *swear*, that he said there were *two or three* hundred signers to the petition—and not *four or five* hundred; and that he either *did* refer, or *intended to refer* the Convention to the Clerk’s files. It seems almost a pity that this *poor apology* should be denied the honourable witness. But it implies a falsehood, and cannot be allowed. I have examined the Clerk’s files, and the petition is not there—it was withdrawn, as I have before stated—and by whom? By the Judge, or his conductors.

A view of Capt. Parish may be had in the proceedings of the court-martial, and in the depositions in the Appendix: CAPTAIN (perhaps I should say MAJOR, or COLONEL) Cogswell, is pretty well represented in going to the Judge's on the Sabbath; and afterwards, with the "petition," the "bond," and his own "recommendation," in his pocket, riding ten miles while it was yet dark, to procure petitioners—and all this out of pure patriotism! believing that he could do better for the regiment, and the country generally, than any other officer, and especially than one who will journey and "leave his regiment *three weeks* at a time without a commander!" And this Capt. Cogswell—let me repeat it—was the *only petitioner* who took any active part.

As to Mr. Walker, he has already *flourished* considerably; but as he is a *flourishing* man, and desirous to *appear in publick*, he may come forward once more. And among the group of abettors, this man is foremost—he stands—in *relievo*. But it may be asked, What can be the object or motives of Mr. Walker in these transactions? It is my opinion—and it is the most charitable conclusion I can draw from the facts—that his chief purpose from the beginning has been to bring himself into notice—into publick view. The publick hearing before the Legislature gave him a fine opportunity to accomplish this purpose. He has now been before the publick—and he appeared in a light, at once *strong*, and rendered more *brilliant* by contrast with the *murky shades* that here and there attached themselves to the picture. He will probably *pretend* that he was engaged as counsel in the cause, and *must be faithful*. Faithful!—to whom or what? to the guilty purposes of his employers?—Does an attorney, when he engages in a cause, engage also to practise upon the views of his client? If a client would remove an opposing witness, or suborn one for himself, must his counsel administer poison to the one, or hold out the reward of perjury to the other? Did professional duty call

Mr. Walker to ride 7 miles upon the Sabbath, to meet and transact business with his clients—and that too even before the cause commenced? Did his duty require him to aid in *getting up* the cause—to frame the petition—to urge others to sign it—to sign an “indeinnifying bond” himself—to write a deposition for a young man, and compel him to sign it—and, in short, to do the various other deeds which Mr. Walker has done? No—He must have acted from choice—We see him in his proper element.

Before I take final leave of the counsellor, I will mention one other “mistake” of his, which has some relation to the “statement” of Judge Badger, and will throw some light on his testimony. It is one of those *mistakes* which look so much like a *trick* as not to be distinguishable from it. At the close of the publick hearing, I missed an important paper, which both these gentlemen doubtless wished had never existed—I mean the *copy* of the petition of 1816, which shewed the Judge’s statement to be just so far from the fact as *four or five hundred* is from *one hundred and sixty-one*.—I inquired of the counsellor for the paper. He *knew not where it was*. He examined *all his papers, very carefully*, but could *find nothing of it*. My suspicions, however, were not removed. And after returning to our lodgings, I inquired of Mr. Rogers, another of the counsel for the petitioners—who I believe is an honest man, although for once in bad company—and asked him to look for the copy. He did, and found it among the papers of the counsellor, (who was then absent) and gave it to me. And now, Mr. Counsellor, did duty to your clients require *this mistake*?—Please settle these questions.

Of Horatio G. Prescott, the only remaining abettor whom I have not mentioned, I shall say nothing.

Such is the cause—such are the abettors and supporters of it—and such, a concise history of the proceedings against ~~me~~. The Legislature granted the prayer of the petitioners.

I do not undertake to give any opinion as to the correctness or incorrectness of their decision. I have endeavoured to state the facts and the evidence in the case, fairly and intelligibly. Those who read this statement, will form their own conclusions. I have endeavoured to speak of those opposed to me, with candour and moderation. If I have, in any degree, failed, let it be remembered, that I consider myself falsely accused and wickedly misrepresented by the advocates of the petition against me; and may therefore be unwittingly influenced by prejudice, which I have studied to avoid. I am not petitioning for favours. It is my *right* to establish the truth—and this is all I claim.

EBENEZER EASTMAN.

Gilmanton, July 15, 1818.

APPENDIX.

No. (1)—From page 4.

*Extract from a Remonstrance to the Legislature, against the
Petition of 1816.*

The signers of this remonstrance, after replying to the charges in the petition, add—

“We would further represent, that we have understood that a private misunderstanding has subsisted for a long time between Major Eastman and the first Captain of his battalion; and we believe that all the other officers in the regiment, except the said first Captain, have cheerfully discharged their several duties under Major Eastman. And from our knowledge, and the best information we can obtain, we are decidedly of opinion, that the aforesaid petition, for the removal of Major Eastman, originated in the aforesaid private misunderstanding, and not in any real and substantial reasons which ought to have any weight in the minds of the Honourable Legislature, to induce you to address His Excellency the Governour to remove the said Eastman from office.

“We would further state, that if Major Eastman should be removed, the said first Captain would be promoted to Lieutenant-Colonel, and that that promotion would be much less satisfactory to the officers and soldiers of the regiment generally, than for Major Eastman to be promoted to the office of Colonel. Believing, as we do, the aforesaid petition for the removal of Major Eastman from office, did not originate in any well founded reasons for his removal, but in the private quarrel of the said first Captain with Major Eastman, and aided perhaps by the ambition of a few officers who wish for promotion, and that the prayer thereof, if granted, would not tend to promote union, harmony, subordination, and discipline, among the officers and soldiers of the regiment; but would have an effect directly the reverse—we respectfully request the honourable members of the Legislature to dismiss said petition from their further consideration: and we, as in duty bound, will ever pray.

“Gilmanton. Dec. 9, 1816.”

[Signed by twenty-two officers.]

To the Honourable the Senate and House of Representatives of the State of New-Hampshire, in General Court now convened, at Concord, in said State.

RESPECTFULLY SHIWS—

The undersigned officers of the tenth regiment of the militia of said State, that we, with a number of others, signed a petition, praying your Honours to address His Excellency the Governour to remove from office Major Ebenezer Eastman.

We now ask leave to state, that by reason of improper representations made to us, of the private and official conduct of Major Eastman, we were induced incautiously to sign said petition; but upon a more mature consideration, and being better informed of the charges in said petition against Major Eastman, and the motives of those who presented the same to us, we are satisfied that we acted too precipitately in giving the same the aid of our names; and that if we had not already signed the same, we should refuse to do it.

We therefore request, that said petition may have no more weight in the opinion of the Honourable Legislature, than it would if our names were erased from the same.

Gilmanston, Dec. 9, 1816.

[Signed by thirteen—of whom seven were Captains, three Lieutenants, and three Ensigns.]

No. (2)—From page 4.

Extracts from certain Depositions.

[Jonathan Sanborn, jun.]

Question by Eastman. Were you an officer last June in the 10th regiment?

Answer. Yes—I was then, but have since resigned.

Q. by same. Did you sign a petition, presented to you by Capt. Cogswell, to have me removed from the office of Major in this regiment?

Answer. Yes.

Q. by same. Did you read that petition, or hear it read, when you signed it?

Ans. No, not much of it.

Q. by same. Did Captain Cogswell urge you to sign this petition?

A. Yes—I told him that I believed I should not sign any more petitions of this nature.

Q. by same. Have you since seen a copy of the petition, and heard it read?

A. Yes.

Q. by same. If you had have read the petition, or heard it read, before signing, should you have signed it?

A. I should not.

(Signed) JONATHAN SANBORN, JUN.

Sworn to, May 30, 1818—Before,

THO. BURNS, *Jus. Peace.*

[Joseph L. Bartlett.]

Question by Eastman. Do you hold a commission in the 10th regiment?

Answer. I do.

Q. by same. Did you sign a petition that was sent to the Legislature in June 1817?

A. Yes.

Q. by same. Who presented that petition to you to sign?

A. Lyman B. Walker handed me the petition, and he and Capt. Parish and Horatio G. Prescott urged me to sign it. I refused for some time; but they engaged to hold me harmless, and urged so much, that I at length signed it.

Q. by same. At what place were you when they entreated you to sign this petition?

A. At Major Piper's tavern at Meredith Bridge.

Q. by same. Was Capt. Norris present at that time when you signed said petition?

A. Yes—and he signed at the same time.

Q. by same. Did not they urge both of you very hard, and a long time, before either of you would consent to sign it?

A. Yes—they urged us both a great while, and repeatedly assuring us that we should not be injured in consequence of signing it.

Q. by same. Did you read, or hear read, said petition, before you signed it?

A. Walker pretended to read it.

Q. by same. Have you since seen a copy of said petition which was served on me, and heard it read?

A. Yes—and it did not appear exactly to me then, as when Walker read it to me.

(Signed) JOSEPH L. BARTLETT.

Sworn to, May 30, 1818—Before,

THO. BURNS, *Jus. Peace.*

[Gilman L. Edgerly.]

I Gilman L. Edgerly, of lawful age, depose and say, that some time in June, 1817, Pearson Cogswell came to my house, and shewed me a petition which he said they intended to present to the Legislature, requesting that Major Ebenezer Eastman might be removed from office; which he requested me to sign.

Question by Eastman. Did you hold a commission at that time in the 10th regiment?

Answer. I did at that time, and since resigned.

Q. by same. Did you know any of the charges preferred against me in that petition to be true?

A. I did not, to my recollection.

(Signed) GILMAN L. EDGERLY.

Sworn to, May 30, 1818—Before,

THO. BURNS, Jus. Peace.

[Hugh Blasdell.]

I Hugh Blasdell, of Gilford, of lawful age, testify and say, that I signed a petition that was presented to the Legislature in June 1817, for the removal of Major Ebenezer Eastman from his office as Major of the tenth regiment.

Question by Eastman. Was you an officer in said regiment when you signed the petition, and are you in office now?

Answer. Yes.

Q. by same. Where were you when you signed the petition?

A. At Jonathan Piper's tavern in Gilford.

Q. by same. Do you know any thing of the truth of the charges therein asserted?

A. I know them only by information from credible persons.

Q. by same. Who presented that petition to you?

A. Captain Parish.

Q. by same. Was Lyman B. Walker anxious for you to sign the petition?

A. He appeared to be interested.

Q. by same. Did Horatio G. Prescott appear to be interested in the petition?

A. Yes.

(Signed) HUGH BLASDELL,

Sworn to, June 4, 1818—Before,

DANIEL AVERY, Jus. Peace,

[William Walker, jun.]

Question by Eastman. Did you sign a memorial, or petition, which was presented to the Legislature of this State last June, for the removal of me from office—and had you any knowledge that any of the charges therein were true?

Answer. I signed the petition or memorial mentioned; but knew nothing of the truth of any of said charges therein contained, any other way than from what was told me by Capt. Pearson Cogswell, who presented the said petition to me, who then stated that the charges were true.

Q. by same. Were you urged a long time by Capt. Cogswell, before you consented to sign the memorial?

A. Yes—I being loath to sign, he urged me some time.

Q. by same. How long have you been an officer in the tenth regiment of militia?

A. About four years.

Q. by same. Have ever you discovered any ungentleman or unofficer-like conduct in me, on muster days, at any time?

A. I never did at any time.

Q. by same. At what time did you sign the petition mentioned?

A. I think it was the first of June, 1817.

Q. by same. At the time Capt. Cogswell presented the memorial to you, did he shew you another paper—and if he did, what was it?

A. He shew me one other paper, but I do not recollect its contents; but recollect, it appeared to be signed with the name of Lyman B. Walker.

Q. by same. Have you since been informed, that the paper you mention was a bond, signed by Lyman B. Walker and another, to indemnify whoever might sign said memorial?

A. Yes—I have.

(Signed) WM. WALKER, JUN.

Sworn to, June 5, 1818—Before,

SAMUEL SHEPARD, Jus. Peace.

[George Chesley.]

I George Chesley, of Barnstead, in the county of Strafford, and State of New-Hampshire. First Lieutenant of the artillery company annexed to the tenth regiment, depose and say, that I signed a memorial for the removal of Major Ebenezer Eastman, presented to me by Capt. Pearson Cogswell, about one year ago.

Question by Eastman. Do you know that any of the charges contained in said memorial are true?

Answer. Only by information, not by any knowledge I had of the facts.

Q. by same. If you did not know that the charges in the memorial were any of them true, what induced you to sign it?

A. Because Capt. Cogswell stated to me, that the charges were facts, and would be proved.

Q. by same. Did Capt. Cogswell shew you any other paper at the time he did the above mentioned memorial—and if so, what was its contents?

A. He did shew me an indemnifying bond, signed by Lyman B. Walker and another, purporting to be to whomsoever might sign said memorial; which bond he offered to leave with me; but I did not keep it.

Q. by same. How long have you been an officer in the tenth regiment of militia?

A. About four years; and I have been generally well satisfied with you as an officer.

Q. by same. Had Capt. Cogswell a petition, which he circulated to obtain signers, to His Excellency the Governor and the Honourable Council, to appoint Major Bickford Colonel, and himself either Lieutenant-Colonel or Major?

A. Yes—he did circulate such petition, at the time he did the above mentioned memorial; but do not distinctly recollect whether said petition to the Executive was for him the said Cogswell to be Lieutenant-Colonel, or Major.

(Signed) GEORGE CHESLEY.

Sworn to, June 5, 1818—Before,

SAMUEL SHEPARD, *Jus. Peace.*

No. (3)—From page 5.

[John Bickford.]

I John Bickford, of Barnstead, in the county of Strafford, Major of the second battalion in the tenth regiment of militia in the State of New-Hampshire, testify and say, that the last of May, or the first of June, in the year 1817, Capt. Pearson Cogswell, of Gilmanton, called on me at Barnstead, and asked me to sign a memorial to be presented to the General Court of said State at their session in June last, which memorial the said Cogswell shew me, for

the removal of Major Ebenezer Eastman from his office ; and the said Cogswell, at the same time, shew me a paper, containing a recommendation to His Excellency the Governour and the Honourable Council, for the appointment of myself, Colonel, and him the said Cogswell, Lieutenant-Colonel, of said tenth regiment ; and he, Capt. Cogswell, and Lieutenant George Chesley, signed said recommendation ; but I refused to sign either of said papers.

Question by Eastman. Did Capt. Pearson ' Cogswell come to you some time before the time you mention above, and ask you if you would resign your commission, and recommend him, so that he might be appointed before any one could be appointed in the first battalion ?

Answer. He did.

Q. by same. How long have you been an officer in the tenth regiment of militia ?

A. About thirteen years.

Q. by same. Have you ever discovered any ungentleman or unofficer-like conduct in me on muster days ?

A. No.

Q. by same. Has Lieutenant Nathan W. Norris* absconded ?

A. Yes—I understand he has.

Dated at Barnstead aforesaid, June 5, 1818.

(Signed) JOHN BICKFORD.

Sworn to, June 5, 1818—Before,

SAMUEL SHEPARD, Jus. Peace.

No. (4)—From page 3.

[John Prilay.]

EXTRACT.

I John Prilay, of lawful age, depose and say, that I received a summons to appear at Lyman B. Walker's office in Gilford, in the county of Strafford, in the State of New-Hampshire, at ten o'clock in the forenoon, the 22d day of October, 1817, to testify what I knew relative to a petition for the removal of Major Ebenezer Eastman from office, to be heard and tried before the Honourable Legislature of New-Hampshire, on the first Tuesday of their next June session, David Norris and others, petitioners, against the said Eastman, petitionee. And that I was travelling from

* One of the ten who signed the petition against me.

my home in Littleton, in the county of Grafton, to my father-in-law's in Gilmanton, on the 21st of October, 1817--- that I stopped at Major Piper's inn in Gilford, for refreshment, and was there attacked by Lyman B. Walker, scared and compelled to testify to many things, which upon hearing them read over the next day, I found to be very improperly and incorrectly stated. That I was very much fatigued, being among strangers, and so violently threatened by Walker, that my head was so confused that Walker wrote what he was a mind to, and frightened me to sign it. And I further state, that when I refused to relate any thing respecting the business until the next day, the time that my summons stated, Lyman B. Walker threatened, if I would not tell, that he would take off my skin; [here follows language too profane and scurrilous to be repeated] and if I started without telling, that he would send an officer after me, and send me to jail: he said that I had received his money, and was obliged to tell then: and, damn you, said he, you shall tell; and detained me in his office until a very late hour, I think as late as midnight. I further state, that I attended the next day, agreeable to my summons, and was taken before Esq. Perley, where the writing that Walker made the night before was read by him, and I perceived many errors and mistakes in it; and on refusing to answer as he wished me to, to what was therein written, I was put into the custody of an officer, by Esq. Perley, and detained for more than three hours, until Lyman B. Walker made out a mittimus to commit me to prison; and then I was called, and the mittimus was read over to me; and I was threatened, if I would not answer to the questions as they there had them stated, that I should go to jail, although I was not sworn, neither was I requested to hold up a hand and receive the oath for the day, or to affirm.

Question by Eastman. How many years did you live with me?

Answer. About eleven.

Q. by same. Did you ever go with me into Canada, or know of my going after the declaration of war in June 1812?

A. No.

Q. by same. Did I go to Castine at any time during the war?

A. Not to my knowledge.

Q. by same. Did I carry on any traffick with the

enemy at any time or at any place during the war above mentioned?

A. Not to my knowledge.

(Signed)

JOHN PRILAY.

Sworn to, Oct. 23, 1817—Before,

THO. BURNS, Jus. Peace.

No. (5)—From page 16:

BRIGADE ORDERS.

Farmington, Feb. 17, 1817.

Having minutely examined the testimony adduced in support and defence of the charges exhibited by Major Ebenezer Eastman, against Capt. Rufus Parish, I see no reason why the said Capt. Rufus Parish should not have been found guilty of the first specification in the first charge, as also the third specification in the second charge;* and therefore disapprove of the foregoing decision.

Rich^d. Furber, { Brigade General 2d Brigade
N. H. Militia.

No. (6)—From page 17.

[Stephen C. Lyford.]

I Stephen C. Lyford, depose and say, that I was present at the hearing of the memorial of David Norris and others, at Concord, for the removal of Major Ebenezer Eastman from the command of the tenth regiment of the New-Hampshire militia; that I heard all the testimony, and do well recollect, that the Hon. William Badger, Esq. testified, that a petition for the removal of said Eastman from his said command, had been presented to the Legislature, signed by *four or five hundred* subscribers, consisting of *officers, Justices of the peace, selectmen, and citizens*, within said regiment; and that in 1813 and 1814 there was a great or general dissatisfaction throughout said regiment, among officers, soldiers, and citizens: on account of said dissatisfaction, said petition had been presented for his removal—as I understood him.

STEPHEN C. LYFORD.

State of New-Hampshire, }

Strafford—ss.

} July 2, 1818.

Then the above named Stephen C. Lyford, personally appeared, and made solemn oath, that the above affidavit, by him subscribed, to be just and true.—Before me,

THOMAS BURNS, Jus. Peace.

* First specification in the first charge, is disobedience of orders. Third specification in the second charge---contemptuous and unofficer-like conduct on muster day.

[Isaac W. Page.]

I Isaac W. Page testify and say, that I was present at the late publick hearing before the Honourable Legislature on the petition for the removal of Major Ebenezer Eastman: that I heard the testimony of Judge Badger; and that he stated, that a *general* dissatisfaction prevailed throughout the regiment, among officers, soldiers, and citizens, towards the conduct of Major Eastman, (or words to this effect;) and in support of this opinion, he said there was a petition presented to the Legislature, in 1816, for Major Eastman's removal from office, signed (as I understood him) by *four or five hundred* persons, consisting of selectmen, Justices of the peace, &c. I have since seen a copy of the petition alluded to by Judge Badger, certified by the Clerk of the House of Representatives, and the number of signers is only *one hundred and sixty-one*—among these there is but *one* Justice of the peace, viz. Joseph Tasker, of Barnstead—and but *two* selectmen, and those of Gilford, viz. John S. Osgood and William Blasdell.

ISAAC W. PAGE.

State of New-Hampshire, Strafford—ss. July 13, 1818.

Then the above named Isaac W. Page made solemn oath, that the foregoing affidavit, by him subscribed, was just and true.

Before me, STEPHEN MOODY, Jus. Peace:

No. (7)—From page 13.

To His Excellency the Governour and the Honourable the Council of the State of New-Hampshire.

The undersigned, officers in the 10th regiment of the militia of said State, respectfully shew—that for more than three years past, the office of Colonel in said regiment has not been filled. A large proportion of the subscribers petitioned the Honourable Executive at their session in June last, to fill said office; and we regret that the prayer of that petition was not granted. We believe, that this protracted vacancy is not to be attributed to any disinclination in the Executive to fill the office, but to an unfortunate misunderstanding which has existed between Major Ebenezer Eastman and Capt. Rufus Parish, and which has induced the latter and his friends to interfere with the Executive and the Legislature to prevent the appointment of the former gentleman to the office of Colonel.—We therefore respectfully request the Honourable Executive to promote Major Ebenezer Eastman to the office of Colonel.

Gilmanton, Sept. 13, 1817.

[Signed by 10 Captains—and 20 other officers.]

No. (8)—From page 19.

[Peirce P. Furber.]

I Peirce P. Furber, Brigade Major and Inspector of the second brigade of militia in New-Hampshire, testify and say, that in the fall of 1813, I inspected the 10th regiment of New-Hampshire militia, ordered out for that purpose, in battalion order, one of which battalions was then commanded by Major Ebenezer Eastman, of Gilmanton: that in the fall of 1817, I again inspected said regiment, in battalion order, then commanded by the aforesaid Major Eastman: that Major Eastman's military appearance and conduct was good, and not exceeded by any field officer I have seen in the second brigade: that the officers and soldiers under his command were generally prompt in obeying his orders: that the military appearance and discipline of the troops, composing the regiment now commanded by Major Eastman, are not exceeded by any regiment of *New-Hampshire* militia I have ever seen, except when drilled in the United States service.

I further testify and say, that Major Eastman is one of the *few* commanding officers of regiments in the second brigade, who have been punctual in making returns of the regiments under their command.

(Signed) P. P. FURBER, Brigade Major and
Inspector 2d brigade N. H. militia.

Farmington, June 13, 1818.

Sworn to, same day—Before,

RICHARD FURBER, *Jus. Peace.*

[Jeremiah Wilson.]

I Jeremiah Wilson, testify and say, that I have been an inhabitant of Gilmanton upwards of thirty years, and have done military duty as a private and an officer in the 10th regiment of New-Hampshire militia for upwards of twelve years, and have been acquainted with Major Ebenezer Eastman ever since he has been an officer in said regiment; all of which time he has been generally considered a good officer, and a respectable citizen.

And I further state, that it is my opinion that there would no difficulty have existed in said 10th regiment, since the said Eastman had the command, had it not been for a private misunderstanding heretofore existing between the said Eastman and Capt. Rufus Parish.

And I further state, that as far as came within my knowledge, the said Eastman, during the late war with Great

Britain, was active as an officer to do his duty in his command.

JEREMIAH WILSON.

Gilmanton, July 13, 1813.

State of New-Hampshire. }

Strafford—ss. } July 13, 1813.

Personally appearing, the above named Jeremiah Wilson, made oath, that the foregoing affidavit, by him subscribed, is just and true.

Before me, SAMUEL SHEPARD, Jus. Peace.

[David Sanborn.]

I David Sanborn, of lawful age, depose and say, that I have held a commission in the tenth regiment of the New-Hampshire militia twenty years: that I was the last Colonel in the regiment, and that my resignation was dated June 23, 1814: that Major Ebenezer Eastman held a commission with me in the same regiment, about seventeen years; during which time, I was well acquainted with him as an officer, and knew him to have been esteemed by his brother officers generally; and never knew of any difficulty between him and his soldiers: that he, while a Captain, commanded a volunteer company of light infantry annexed to said regiment; and that his company always appeared full and respectable: that he was promoted to be Major, and attended with me in the field at one battalion muster before I resigned my commission, and conducted with propriety.

(Signed) DAVID SANBORN.

Sworn to, June 13, 1813—Before, THOMAS BURNS, Jus. Peace.

[William Hutchinson.]

I William Hutchinson testify and say, that I commanded a light infantry company in the tenth regiment of the New-Hampshire militia, commanded by Major Ebenezer Eastman, during the late war with England: that I was well satisfied with him as an officer, and always have been since I held a commission in said regiment, which is eleven years: that my under-officers and soldiers have also been well satisfied, and never have been dissatisfied, to my knowledge: and that there always has been a large proportion of the officers, soldiers, and citizens, in his favour.

I further state it as my opinion, that no dissatisfaction ever would have existed, had it not been for the exertions and influence of Capt. Rufus Parish, and a few of his particular friends.

WILLIAM HUTCHINSON.

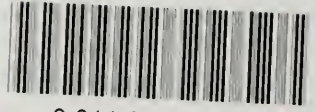
State of New-Hampshire. }

Strafford—ss. } July 2, 1813.

Then the above named William Hutchinson personally appeared, and made solemn oath, that the above affidavit, by him subscribed, to be just and true.—Before me,

THOMAS BURNS, Jus. Peace.

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